

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

PUBLIC SERVICES – Revenue Establishment Smt. D. Pushpamani, Probationary Deputy Tahsildar of 1994-95 batch – Relaxation of General Rule 33 (a) and 35 (b) of A.P. State and Subordinate Service Rules, 1996 to assign notional seniority in the category of Probationary Deputy Tahsildar – Confirmation - Orders – Issued

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REVENUE (SERVICES.II) DEPARTMENT

G.O.Ms.No. 1600

Dated:09.08.2011.

Read the following:-

- 1.Representation of Smt. D. Pushpamani, dated:28.07.2010.
- 2.The Collector, East Godavari District Lr.Ref.No.A5/3659/2010, dated:26.08.2010.
3. The CCLA, AP, Hyd., Lr. No.X2/869/2010, dated:07.09.2010.
4. The Govt. vide G.O.Rt.No.549, Rev. (Ser.II.1) Dept., dated:09.05.2011.
5. The Collector, East Godavari Dist., Lr.Ref.No.A5/3659/2010, dated:12.07.2011.

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ORDER :-

In the reference 3rd read above, the Chief Commissioner of Land Administration, A.P., Hyderabad has stated that the Collector, East Godavari District, in his letter 2<sup>nd</sup> read above, has reported that Smt. D. Pushpamani, Tahsildar, Karapa, East Godavari District has represented that her seniority was fixed from 17.07.1997 i.e., from the date of her joining as Deputy Tahsildar in East Godavari District on transfer from Krishna District though she was selected by the A.P. Public Service Commission for the post of Deputy Tahsildar and allotted to Krishna District along with 385 other candidates during the year 1994-95 and in her appointment order the Chief Commissioner of Land Administration, A.P., Hyderabad directed that her seniority in the post of Deputy Tahsildar would be determined on par with the candidates who were allotted by the Chief Commissioner of Land Administration, A.P., Hyderabad on 25.07.1995 and appointed by the Collector on 28.07.1995. She has also stated that subsequently, she was transferred to East Godavari District unit on mutual basis in the place of Sri J. Vasantha Rao, Probationary Deputy Tahsildar with a condition that consequent on her reallotment/ transfer, their rank in the merit list of Zone.II of Probationary Deputy Tahsildars should not be disturbed as it does not attract the provisions of Six Point Formula, as the transfer is being made within the Zone.II. She has therefore requested that the rule 33 (a) may be relaxed in her favour to reckon her seniority from the date of allotment i.e., from July, 1995. The Collector, East Godavari District has further reported that Smt. D. Pushpamani has joined as Probationary Deputy Tahsildar in Krishna District on 18.07.1996 and later she was transferred to East Godavari District and joined on 17.07.1997 and her seniority was reckoned with effect from 17.07.1997. He has further stated that since the Government is the competent authority to grant relaxation of any rule in A.P. State and Subordinate Service Rules, 1996 in favour of any persons belong to any service, class or category, he has therefore, requested the Government to relax the rules as requested by the individual.

2. The Collector, East Godavari District has also reported that Smt. D. Pushpamani's request for transfer to East Godavari District from Krishna District was considered on mutual basis with one Sri J. Vasantha Rao, Probationary Deputy Tahsildar who was allotted to Krishna District vice versa, vide CLR's ref. No.X4/298/96, dated:21.12.1996 with a condition that "*Consequent on the reallotment/ transfer, their rank in the above merit list of Zone. II Probationary Deputy Tahsildars cannot be disturbed and it does not attract the provisions of Six Point Formula as the transfer being within the same Zone.II*".

3. Subsequently, vide G.O.Ms.No.971, Revenue (Ser.II) Department, dated:15.09.2009 orders were issued relaxing General Rule 35 (b) of A.P. State and Subordinate Service Rules, 1996 and permitting the appointing authority to determine the seniority of Sri J. Vasantha Rao, Probationary Deputy Tahsildar from the date of his joining in the former unit i.e., in East Godavari District.

P.T.O.

4. The Chief Commissioner of Land Administration, A.P., Hyderabad has also stated that as per the list of A.P.P.S.C. selected candidates of Zone.II, Smt. D. Pushpamani is the last candidate in the said list and stands below the name of K. Surya Latha and as per the final seniority list published and furnished by the Collector, East Godavari District vide ref. No.A5/2231/2010, dated:25.07.2010, the date of officiation of K. Surya Latha, Deputy Tahsildar is 01.08.1995. The 386 candidates were given postings on their allotment to different zones during 1994-95 and since Smt. D. Pushpamani was one of the 386 candidates she could not join in the post along with others due to wrong noting of residential address of the individual by the Collectorate staff. As such she may also be entitled for relaxation of General Rule 33 (a) in order to assign her notional date i.e., 01.08.1995, on par with the date of officiation of her immediate senior, Smt. K. Surya Latha, Probationary Deputy Tahsildar allotted to Zone.II, instead of 17.07.1997, and requested the Government to issue necessary orders in the matter.

5. Government have examined the matter in detail with reference to rule position and precedent case referred above and observed that the case of Smt. D. Pushpamani is similar to that of Sri J. Vasantha Rao in whose case orders were issued vide G.O.Ms.No.971 Revenue (Ser.II) Department, dated:15.09.2009 relaxing Rule 35 (b) of A.P. State and Subordinate Service Rules, 1996 in his favour as he was originally allotted to East Godavari District and subsequently transferred to Krishna District on mutual basis and in his case appointing authority was permitted to determine the seniority with effect from the date of his joining in the former unit. Hence, denying the same benefit to Smt. D. Pushpamani would amount to discrimination. Therefore, Government provisionally decided to consider the request of Smt. D. Pushpamani, Deputy Tahsildar, East Godavari District for fixation of her seniority in the cadre of Deputy Tahsildar on par with her direct recruit batch-mates of 1994-1995 in Krishna District since she was selected among the original (386) candidates, but not against a fall-out vacancy and for that also an administrative delay occurred in communicating her appointment order because of which she could not join service along with her other batch-mates. Accordingly, the Collector, East Godavari District was requested to issue Show Cause Notices to the persons likely to be affected by this decision and submit the gist of representations, if any, along with his remarks to the Government for taking necessary further action in the matter, vide reference 4<sup>th</sup> read above.

6. In the reference 5<sup>th</sup> read above, the Collector, East Godavari District vide his letter No.A5/3659/2010, dt:12.07.2011, while explaining the details of the case, has stated that with reference to the above Government order Show Cause Notices were issued to the persons likely to be affected by this provisional decision. But, no one has filed objections in response to the notice.

7. In the above circumstances, under Rule 31 of the A.P. State and Subordinate Service Rules, 1996 Government hereby confirm the orders issued in the G.O. 5<sup>th</sup> read above fixing the seniority of Smt. D. Pushpamani in the cadre of Deputy Tahsildar on par with her direct recruit batch-mates of 1994-95 in Krishna District since she was selected among the original 386 candidates, but not against a fall-out vacancy and also for that there was an administrative delay in communicating her appointment order because of which she could not join service along with her other batch-mates.

8. The Chief Commissioner of Land Administration, A.P., Hyderabad/ the Collector, East Godavari District is requested to take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA  
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Chief Commissioner of Land Administration, A.P., Hyderabad.

The Collector, East Godavari District.

Copy to: the individual thro' the Chief Commissioner of Land Administration, A.P., Hyderabad.  
Sf/Sc.

// FORWARDED :: BY ORDER //

SECTION OFFICER